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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,155	04/14/2004	Philip A. Shafer	1014-088US01/JNP-0388	6388
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SHUMAKER & SIEFFERT, P.A 1625 RADIO DRIVE, SUITE 300 WOODBURY, MN 55125			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,155	Applicant(s) SHAFFER ET AL.	
	Examiner Michael Y. Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed April 14, 2004.
2. Claims 1-25 have been examined and are pending with this action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of claims 17-25 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

The applicant(s) claim "computer-readable medium" but does not define within the body of the claim the hardware in which the invention runs. Thus, absent recitation of the server or some other hardware, claims 17-25 are not limited to a tangible embodiment, instead being sufficiently broad to encompass software, per se.

The examiner encourages applicant to define within the claims the embodied features and limitations on a "storage" computer readable medium such as hard drives,

disks, and other hardware elements. An example of a proper format would be "a computer-readable storage medium".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 10-14, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Thebaut et al. (US 5,889,953).

INDEPENDENT:

As per **claim 1**, Thebaut teaches a method comprising:

applying changes to candidate configuration data of a network device (see col.5, lines 1-6: "The application will modify configuration(if needed)");

applying an implementation-specific configuration policy to alter the changes to the candidate configuration data (see col.5, lines 16-29: "The PCM provides the following functions:..." and col.5, lines 53-60); and

committing the altered candidate configuration data to operational configuration data of the network device (see col.5, lines 35-39: "A configuration is a set of particular values of attributes that govern the operational characteristics of a device").

As per **claim 10**, Thebaut further teaches a system comprising:

a memory to store operational configuration data and candidate configuration data (see col.16, lines 56-65: "memory"); and

a control unit to apply an implementation-specific configuration policy to alter changes to the candidate configuration data (see col.5, lines 16-29: "The PCM provides the following functions:..." and col.5, lines 53-60), and commit the altered candidate configuration data to the operational configuration data (see col.5, lines 35-39: "A configuration is a set of particular values of attributes that govern the operational characteristics of a device").

As per **claim 17**, Thebaut further teaches a computer-readable medium comprising instructions to cause a processor to:

apply changes to candidate configuration data of a network device (see col.5, lines 1-6: "The application will modify configuration(if needed)");

apply an implementation-specific configuration policy to alter the changes to the candidate configuration data (see col.5, lines 16-29: "The PCM provides the following functions:..." and col.5, lines 53-60); and

commit the altered candidate configuration data to operational configuration data of the network device (see col.5, lines 35-39: "A configuration is a set of particular values of attributes that govern the operational characteristics of a device").

DEPENDENT:

As per **claims 2, 11, and 18**, which respectively depend on claims 1, 10, and 17, Thebaut further teaches wherein applying the implementation-specific configuration policy comprises: generating additional configuration data (see col.5, lines 65-67); and inserting the additional configuration data into the changed candidate configuration data (see col.6, lines 1-2).

As per **claims 3 and 19**, which respectively depend on claims 2 and 18, Thebaut further teaches generating additional configuration data comprises: identifying a configuration command within the changed candidate configuration data (see col.5, lines 53-60 and col.11, lines 35-39); and generating additional configuration data for the identified command (see col.5, lines 65-67 and col.11, lines 43-44).

As per **claim 4**, which depends on claim 3, Thebaut further teaches wherein inserting the additional configuration data comprises inserting the additional configuration data into the changed candidate configuration data based on a location of the identified command within the changed candidate configuration data (see col.11, line 57-col.12, line 4).

As per **claims 5, 13, and 21**, which respectively depend on claims 1, 10, and 17, Thebaut further teaches wherein applying an implementation-specific configuration policy comprises: receiving a commit command (see col.3, lines 19-21); and automatically applying the implementation-specific configuration policy in response to receiving a commit command (see col.3, lines 21-23).

As per **claims 6, 14, and 22**, which respectively depend on claims 1, 10, and 17, Thebaut further teaches wherein applying an implementation-specific configuration

policy comprises: generating a copy of the candidate configuration data (see col.5, lines 40-41); and applying the implementation-specific configuration policy to the copy of the candidate configuration (see col.5, lines 53-60).

As per **claim 12**, which depends on claim 11, Thebaut further teaches wherein the control unit identifies a configuration command within the changed candidate configuration data, generates the additional configuration data for the identified command, and inserts the additional configuration data into the changed candidate configuration data (see claim 3 and 4 rejection above).

As per **claim 20**, which depends on claim 19, Thebaut teaches further comprising instruction to cause the processor to generate the additional configuration data for the identified command, and insert the additional configuration data into the changed candidate configuration data based on a location of the identified command within the candidate configuration data (see claim 3 and 4 rejection above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-9, 15, 16, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thebaut et al. (US 5,889,953) in view of Callahan et al. (US 2002/0157023).

As per **claims 7, 15, and 23**, which respectively depend on claims 6, 14, and 22, Thebaut does not explicitly teach wherein applying an implementation-specific configuration policy to the copy of the candidate configuration occurs via an Extensible Markup Language (XML) Application Program Interface (API).

Callahan teaches applying an implementation-specific configuration policy to the copy of the candidate configuration occurs via an Extensible Markup Language (XML) Application Program Interface (API) (see page 4, [0056]: "application program interface (API) can be configured with enterprise servers... to pre-process or post-process XML content via a simple API for XML").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Thebaut in view of Callahan by implementing applying an implementation-specific configuration policy to the copy of the candidate configuration occurs via an Extensible Markup Language (XML) Application Program Interface (API). One would be motivated to do so because Thebaut teaches the system is employed in the World Wide Web (see col.1, lines 18-30) and XML is known and employed in WWW because it provides a very simple dialect of SGML.

As per **claims 8 and 16**, which respectively depend on claims 6 and 14, Thebaut does not explicitly teach wherein generating a copy of the candidate configuration data comprises generating a version of the candidate configuration data that conforms to an Extensible Markup Language, and wherein applying an implementation-specific configuration policy comprises applying an Extensible Style Language Transformation (XSLT) script to the copy of the candidate configuration data.

Callahan generating a version of the candidate configuration data that conforms to an Extensible Markup Language (see page 4, [0056]: "application program interface (API) can be configured with enterprise servers... to pre-process or post-process XML content via a simple API for XML"), and wherein applying an implementation-specific configuration policy comprises applying an Extensible Style Language Transformation (XSLT) script to the copy of the candidate configuration data (see page 4, [0057] & [0058]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Thebaut in view of Callahan by implementing generating a version of the candidate configuration data that conforms to an Extensible Markup Language, and wherein applying an implementation-specific configuration policy comprises applying an Extensible Style Language Transformation (XSLT) script to the copy of the candidate configuration data. One would be motivated to do so because XSLT is known and employed in the art for transforming XML documents to other XML documents or other formats.

As per **claim 9**, which depends on claim 1, Callahan teaches wherein the implementation-specific configuration policy comprises an Extensible Style Language Transformation (XSLT) script (see claims 8 and 16 rejection above).

As per **claim 24**, which depends on claim 22, Callahan teaches further comprising instructions to cause the processor to generate a version of the candidate configuration data that conforms to an Extensible Markup Language (see claims 8 and 16 rejection above).

As per **claim 25**, which depends on claim 24, Callahan teaches wherein the implementation-specific configuration policy includes an Extensible Style Language Transformation script and further comprising instructions to cause the processor to apply the Extensible Style Language Transformation (XSLT) script to the copy of the candidate configuration data (see claims 8 and 16 rejection above).

Conclusion

6. For the reasons above, claims 1-25 have been rejected and remain pending.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

September 25, 2007